

**J.B. Hunt Transport, Inc. and Teamsters Local Union
No. 17 a/w International Brotherhood of Team-
sters, AFL–CIO. Case 4–CA–29035**

June 22, 2001

SUPPLEMENTAL ORDER

The Board's Decision and Order in this matter issued on May 23, 2001.¹ The Board considered Respondent's timely filed exceptions and the General Counsel's answering brief timely filed on May 16, 2001. Although Section 102.46(h) of the Board's Rules and Regulations provides the parties with an opportunity to file a reply brief within 14 days from the due date for answering briefs, the Board's decision issued only 7 days following the filing of the answering brief. Respondent, on June 1, 2001, filed a motion to set aside Decision and Order pending submission and consideration of Respondent's reply brief.

It is clear that the Board's Rules provide all parties a right to file a reply brief to an answering brief and that such a brief can be filed anytime within 14 days of the due date for the answering brief. Respondent here did not waive that right. Therefore, the May 23, 2001 decision issued prematurely and must be set aside. Accordingly, Respondent's motion is granted and the Board decision reported at 334 NLRB 89 is vacated for all purposes, including precedential effect.²

In the event any party desires to file a reply brief to the counsel for the General Counsel's answering brief, such reply briefs are due in Washington, D.C., within 14 days from the date of this decision. By Direction of the Board.

² See *Caterpillar, Inc.*, 332 NLRB 1116 (2000).

¹ 334 NLRB 89.